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3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

ORRICK, HERRINGTON & SUTCLIFFE LLP
MARC A. LEVINSON (CA 57613, pro hac vice)
JEFFERY D. HERMANN (CA 90445, pro hac vice)
400 Capitol Mall
Sacramento, California 95814
Telephone: (916) 447-9200
Facsimile: (916) 329-4900
Email: malevinson@orrick.com
jhermann@orrick.com

Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

BECKLEY SINGLETON, CHTD.
BOB L. OLSON (NV 003783)
ANNE M. LORADITCH (NV 008164)
530 Las Vegas Boulevard South
Las Vegas, NV 89101
Telephone: (702) 385-3373
Facsimile: (702) 385-5024
Email: bolson@beckleylaw.com
aloraditch@beckleylaw.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**Notice of Hearing; Objection of USACM Trust
To Frank Failla's Claim Filed in Wrong
Debtor's Case; Objection of DTDF to Proposed
Allowance of Claim**

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

NOTICE OF OBJECTION TO CLAIM

THE USACM LIQUIDATING TRUST AND USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIMS THAT YOU FILED. UNLESS THE RESPONSE DEADLINE IS ADVANCED BY THE COURT, THE DEADLINE TO RESPOND TO THE OBJECTION IS OCTOBER 5, 2007. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL.

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and through its counsel, has filed an Objection to your claim filed in USA Commercial Mortgage Company, Case No. 06-10725 on the ground that the claim is based upon an equity interest in USA Capital Diversified Trust Deed Fund, LLC (“DTDF”) Case No. 06-10727. DTDF, by and through its counsel, further objects to any proposed allowance of your claim against the DTDF estate because the equity interest of Frank Failla and Rose Failla, Trustees of the Failla Family Trust dtd 1/89 (the “Failla Trust”) in DTDF has already been deemed allowed. A copy of the Objection is provided to you with this notice.

The Objection requests that the Court enter an order disallowing all or part of your claim as to USACM and DTDF. If the Court grants the requested relief, it will not affect the Failla Trust’s existing equity interest in the DTDF estate to the extent it holds an equity interest in DTDF.

NOTICE IS FURTHER GIVEN that, unless the hearing date is advanced by the Court, the hearing on the Objection will be held before the Honorable Linda B. Riegler, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on **OCTOBER 15, 2007 at the hour of 9:30 a.m.** **THE HEARING WILL BE HELD FOR THE PURPOSE OF STATUS**

1 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
2 **ARGUMENTS WILL BE HEARD ON THAT DATE. HOWEVER, IF THERE IS**
3 **NO RESPONSE TO THE OBJECTION, THE COURT MAY GRANT THE**
4 **RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE CLAIMS**
5 **FILED AGAINST USACM AND THE DTDF.**

6 **NOTICE IS FURTHER GIVEN** that, unless the response deadline is advanced by
7 the Court, any response to the Objection must be filed by October 5, 2007 pursuant to
8 Local Rule 3007(b), which states:

9 If an objection to a claim is opposed, a written response must be filed and
10 served on the objecting party at least 5 business days before the scheduled
11 hearing. A response is deemed sufficient if it states that written
12 documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

13 If you object to the relief requested, you *must* file a **WRITTEN** response to
14 this pleading with the Court. You *must* also serve your written response on
the person who sent you this notice.

15 If you do not file a written response with the Court, or if you do not serve
16 your written response on the person who sent you this notice, then:

- 17
- The Court may *refuse to allow you to speak* at the scheduled hearing;
and
 - The Court may *rule against you* without formally calling the matter at
18 the hearing.
- 19

Dated: September 4, 2007.

BECKLEY SINGLETON, CHTD.

By /s/ Anne M. Loraditch
Bob L. Olson (NV Bar #3783)
Anne M. Loraditch (NV Bar # 8164)
530 Las Vegas Boulevard South
Las Vegas, Nevada 89101
Telephone: (702) 385-3373

and

**ORRICK, HERRINGTON &
SUTCLIFFE LLP**

Marc A. Levinson
Jeffery D. Hermann
400 Capitol Mall, Suite 3000
Sacramento, California 95814-4497
*Attorneys for Post-Effective Date USA
Capital Diversified Trust Deed Fund, LLC*

LEWIS AND ROCA LLP

By: /s/ Rob Charles (006593)
Susan M. Freeman
Rob Charles
John Hinderaker
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-0961
Facsimile (702) 949-8321
Telephone (702) 949-8320
Counsel For USACM Liquidating Trust

Copy of the foregoing
Mailed this 4th day of
September, 2007 to:

Frank Failla
182 Apache Tear Ct
Las Vegas, NV 89123

By /s/ Renee L. Creswell